

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA)	
)	
v.)	
)	Case No. 18-CR-169-JL
AIDEN DAVIDSON,)	
)	
Defendant.)	

**GOVERNMENT'S OBJECTION TO
DEFENDANT'S MOTION FOR CONTINUANCE**

The United States of America, by Scott W. Murray, United States Attorney, and Assistant U.S. Attorneys John S. Davis and Cam T. Le, objects to defendant Aiden Davidson's Motion for Continuance (Dkt. 58), as follows:

1. The defendant was arrested on a complaint in this case in early September 2018, was subsequently released, and has been on pretrial release ever since. He was initially indicted on October 17, 2018. Trial was initially set for December 11, 2018. The government filed an assented-to motion to continue, and on November 29, 2018, this Court continued the trial to March 26, 2019.
2. On January 9, 2019, the grand jury returned a superseding indictment containing additional charges. On February 19, 2019, defense attorney J.W. Carney, Jr., moved to appear pro hac vice as new counsel, and on February 26, 2019, he filed his appearance. On the same date the defendant moved to continue the trial to July 15, 2019, and the government assented to the motion. On February 28, 2019, this Court granted the motion to continue, and scheduled the

trial for July 15, 2019.

3. On June 17, 2019, the defendant filed a motion to suppress. On June 20, 2019, this Court held a telephone status conference, and subsequently granted the defendant's assented-to motion to continue the trial to September 2019. With the agreement of both parties, the Court set the trial to begin September 4, 2019.

4. On July 25, 2019, this Court held a hearing on the motion to suppress, and denied the motion at the conclusion of the hearing.

5. On August 2, 2019, the defendant filed the instant motion for a continuance, his third such motion.

6. The government objects to the motion for continuance. Although the discovery in this case is indeed voluminous, the core of the case was identified in a lengthy and detailed complaint affidavit filed nearly one year ago, and is contained in financial records, export filings, and the defendant's own email correspondence which were provided months ago in discovery. The government also conducted a detailed reverse proffer session for defense counsel on June 6, 2019, and reviewed critical documents. Having been in the case since February 2019, there is no good reason why the defense attorneys cannot be prepared to try the case in September.

7. As a result of the re-scheduling of the trial from July 2019 to September 2019, the government has already re-subpoenaed most of its witnesses, the majority of whom are required to travel from out of state. A fourth continuance of the case would result in undue inconvenience to those witnesses.

8. Although the defendant seeks a continuance at least until November 2019, undersigned counsel and this Court will be engaged in the trial of *United States v. Imran Alrai* beginning November 5, and projected to last more than two weeks. November 2019 is therefore largely unavailable, as is December, when defense counsel is likewise not available. The trial would then not begin until 2020 – in a case in which many of the critical events occurred in 2014 and 2015.

9. “It has long been said that it is the certain and prompt imposition of a criminal sanction rather than its severity that has a significant deterrent effect upon potential criminal conduct.” Fed. R. Crim. P. 50, 1972 Advisory Committee Notes. Here, further delays are not in the interest of justice.

CONCLUSION

10. For the reasons stated, this Court should deny Defendant’s motion for continuance.

Dated: August 2, 2019

Respectfully submitted,

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